Notices of Exempt Rulemaking

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

Editor's Note: The following Notice of Exempt Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 82.)

[R12-253]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

R19-2-202 Amend R19-2-205 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:

Authorizing statute: A.R.S. § 5-104(A)(2), Laws 2011, Ch. 35, § 10(B) Implementing statute: A.R.S. § 5-104(F), 5-104(R), 5-113.01, 5-230

3. The effective date of the rule and the agency's reason it selected the effective date:

January 1, 2013

4. A list of all notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:

None

5. The agency's contact person who can answer questions about the rulemaking:

Name: William J. Walsh

Address: Arizona Department of Racing 1110 W. Washington St., Suite 260

Phoenix, AZ 85007

Telephone: (602) 364-1730 Fax: (602) 364-1703

E-mail: bwalsh@azracing.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

The Department of Racing is initiating this exempt rulemaking to comply with the requirement that the Department collect necessary fees in an amount to support the Department's mission under the requirements of Laws 2011, Ch. 35, § 10(B).

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

The rules will temporarily reduce the financial burden on industry stakeholders.

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10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

None have been received.

- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:
 - a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

None submitted

13. A list of any incorporated by reference material and its location in the rule:

None

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 2. RACING REGULATION FUND

Section

R19-2-202. Licensing Fees

R19-2-205. Regulatory Wagering Assessment of Pari-Mutuel Pools

ARTICLE 2. RACING REGULATION FUND

R19-2-202. Licensing Fees

A. No change

- **B.** A license shall be for a period of <u>no less than</u> one year except as stated in this subsection (B)(1)(a).
 - 1. No change
 - a. No change
 - b. All multi-year licenses issued prior to July 1, 2011 2013 will expired on June 30, 2012 2014.
 - 2. Greyhound licenses expire each year on January 31 except that all multi-year licenses issued prior to July February 1, 2011 2013 will expire on January 31, 2014.
 - 3. Pari-mutuel licenses expire each year on January 31 except that all multi-year licenses issued prior to July February 1, 2011 2013 will expire on January 31, 2014 2014.
- C. No change
- **D.** No change

R19-2-205. Regulatory Wagering Assessment of Pari-Mutuel Pools

- A. No change
- **B.** The racing regulation assessment for each racing meeting on all in-state and/or out-of-state, on-track, off-track, live, import and/or export wagers and/or wager types shall be 0.375 per cent through June 30, 2012. Beginning July 1, 2012 the regulatory wagering assessment shall be one per cent. 0.55 per cent beginning January 1, 2013.
- C. No change
- D. No change